

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

FILED

APR 01 2021

CARMELITA REEDER SHINN, CLERK
U.S. DIST. COURT - WESTERN DIST. OKLA.
BY led DEPUTY

Dekator Lane Nunley

(Enter the full name of the plaintiff.)

CIV-21 0287 J

v.

Case No. _____
(Court Clerk will insert case number)

- (1) Stephens County
 - (2) Wayne McKinney, Stephens County Sheriff
 - (3) Bobby Bowen Stephens County under sheriff
4 Javier Martinez Stephens County Jail Administrator
- (Enter the full name of each defendant. Attach additional sheets as necessary.)

PRO SE PRISONER CIVIL RIGHTS COMPLAINT

Initial Instructions

1. You must type or legibly handwrite the Complaint, and you must answer all questions concisely and in the proper space. Where more space is needed to answer any question, you may attach a separate sheet.
2. You must provide a full name for each defendant and describe where that defendant resides or can be located.
3. You must send the original complaint and one copy to the Clerk of the District Court.
4. You must pay an initial fee of \$400 (including a \$350 filing fee and a \$50 administrative fee). The complaint will not be considered filed until the Clerk receives the \$400 fee or you are granted permission to proceed *in forma pauperis*.
5. If you cannot prepay the \$400 fee, you may request permission to proceed *in forma pauperis* in accordance with the procedures set forth in the Court's form application to proceed *in forma pauperis*. See 28 U.S.C. § 1915; Local Civil Rule 3.3.

- If the court grants your request, the \$50 administrative fee will not be assessed and your total filing fee will be \$350.
- You will be required to make an initial partial payment, which the court will calculate, and then prison officials will deduct the remaining balance from your prison accounts over time.
- These deductions will be made until the entire \$350 filing fee is paid, **regardless of how the court decides your case.**

7. The Court will review your complaint before deciding whether to authorize service of process on the defendants. *See* 28 U.S.C. §§ 1915(e)(2), 1915A; 42 U.S.C. § 1997e(c)(1). If the Court grants such permission, the Clerk will send you the necessary instructions and forms.

8. If you have been granted permission to proceed *in forma pauperis*, the United States Marshals Service will be authorized to serve the defendants based on information you provide. If you have not been granted permission to proceed *in forma pauperis*, you will be responsible for service of a separate summons and copy of the complaint on each defendant in accordance with Rule 4 of the Federal Rules of Civil Procedure.

COMPLAINT

I. Jurisdiction is asserted pursuant to:

X 42 U.S.C. § 1983 and 28 U.S.C. § 1343(a)(3) (NOTE: these provisions generally apply to state prisoners), or

 Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971), and 28 U.S.C. § 1331 (NOTE: these provisions generally apply to federal prisoners)

If you want to assert jurisdiction under different or additional statutes, list these below:

cruel and unusual punishment

II. State whether you are a:

☐ Convicted and sentenced state prisoner

☐ Convicted and sentenced federal prisoner

☒ Pretrial detainee

☐ Immigration detainee

☐ Civilly committed detainee

☐ Other (please explain) Stephens County Jail inmate

III. Previous Federal Civil Actions or Appeals

List each civil action or appeal you have brought in a federal court while you were incarcerated or detained in any facility.

1. Prior Civil Action/Appeal No. 1

a. Parties to previous lawsuit:

Plaintiff(s): None

Defendant(s): _____

b. Court and docket number: _____

c. Approximate date of filing: NA

d. Issues raised: _____

e. Disposition (for example: Did you win? Was the case dismissed? Was summary judgment entered against you? Is the case still pending? Did you appeal?): _____

f. Approximate date of disposition: NA

If there is more than one civil action or appeal, describe the additional civil actions or appeals using this same format on a separate sheet(s).

IV. Parties to Current Lawsuit

State information about yourself and each person or company listed as a defendant in the caption (the heading) of this complaint.

1. Plaintiff

Name and any aliases: Dekator Lane Nunley

Address: 101 south 11th street Duncan OK 73533

Inmate No.: _____

2. Defendant No. 1

Name and official position: Wayne McKinney

Stephens County Sherriff

Place of employment and/or residence: Stephens County Courthouse

101 south 11th Duncan OK 73533

How is this person sued? () official capacity, () individual capacity, (X) both

3. Defendant No. 2

Name and official position: Bobby Bowen

Stephens County Under Sherrif

Place of employment and/or residence: Stephens County Courthouse

101 south 11th St Duncan OK 73533

How is this person sued? () official capacity, () individual capacity, (X) both

If there are more than two defendants, describe the additional defendants using this same format on a separate sheet(s).

Defendant No. 3

Name and official position: Javier Martinez
Stephens County Jail Administrator

Place of employment: Stephens County Jail
101 South 11th street, Duncan, OK, 73533

How is this person sued? ☐ Official capacity
☐ individual capacity ☒ both

6. *Do not include claims relating to your criminal conviction or to prison disciplinary proceedings that resulted in loss of good time credits.*

- If a ruling in your favor "would necessarily imply the invalidity" of a criminal conviction or prison disciplinary punishment affecting the time served, then you cannot make these claims in a civil rights complaint unless you have already had the conviction or prison disciplinary proceeding invalidated, for example through a habeas proceeding.

Claims

List the federal right(s) that you believe have been violated, and describe what happened. Each alleged violation of a federal right should be listed separately as its own claim.

1. **Claim 1:**

(1) List the right that you believe was violated:

We are not given any rec time ever in this
County Jail

(2) List the defendant(s) to this claim: (If you have sued more than one defendant, specify each person or entity that is a defendant for this particular claim.)

Stephens County
Wayne McKinney
Bobby Bowen
Javier Martinez

(3) List the supporting facts:

We are never given any recreational time and the
rec room at this facility is used as a storage
closet I am handicapped and need rec for
exercise

(4) Relief requested: (State briefly exactly what you want the court to do for you.)

disciplinary actions toward those involved and
relief from pain and suffering requesting
\$10,000

2. Claim II:

(1) List the right that you believe was violated:

I am handicapped and they wont even put
me in a handicapped cell

(2) List the defendant(s) to this claim: (If you have sued more than one defendant, specify each person or entity that is a defendant for this particular claim.)

Stephens County

Wayne McKinney

Bobby Bowen

Javier Martinez

(3) List the supporting facts:

I am handicapped with dystonia and have many
other health and handicap issues and they
wont even give me a handicap cell

(4) Relief requested: (State briefly exactly what you want the court to do for you.)

disciplinary actions toward those involved
and relief from pain and suffering
requesting \$10.000

If there are more than two claims that you wish to assert, describe the additional claims using this same format on a separate sheet(s).

VI. Declarations

I declare under penalty of perjury that the foregoing is true and correct.

Dakota Runley
Plaintiff's signature

03/30/21
Date

I further declare under penalty of perjury that I placed this complaint in the prison's legal mail system, with the correct postage attached, on the 30th day of March, 2021.

Dakota Runley
Plaintiff's signature

03/30/21
Date